

1 An Act concerning recycling.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Container Fee and Deposit Act.

6 Section 5. Definitions. As used in this Act, the
7 following terms shall have the meanings indicated, unless the
8 context otherwise requires:

9 "Agency" means the Illinois Environmental Protection
10 Agency.

11 "Beverage" means wine, alcoholic liquor, or beer as
12 defined in the Liquor Control Act of 1934, or mineral water,
13 tea, coffee, soda water or similar carbonated soft drinks,
14 juice, or other drinks in liquid form and intended for human
15 consumption.

16 "Beverage container" means any glass, plastic, plastic
17 coated paper, aluminum, or other metal can, bottle, jar, or
18 carton in which the contents have been sealed by the bottler
19 or manufacturer.

20 "Consumer" means a person who purchases or acquires a
21 beverage in a beverage container for use of its contents.

22 "Dealer" means a person who engages in the sale of
23 beverages in beverage containers to a consumer, including an
24 operator of a vending machine containing containers. This
25 term does not include a person who sells or offers for sale
26 containers, the contents of which are intended for
27 consumption on the premises, nor a common carrier in the
28 conduct of interstate passenger service who sells, offers for
29 sale, or distributes to its passengers containers, the
30 contents of which are for consumption on the carrier's
31 premises or vehicles.

1 "Dealer agent" means a person who solicits or picks up
2 empty beverage containers from a dealer for the purpose of
3 returning the empty beverage containers to a distributor or
4 manufacturer.

5 "Department" means the Department of Commerce and
6 Community Affairs.

7 "Director" means the Director of Commerce and Community
8 Affairs.

9 "Distributor" means a person who engages in the sale of
10 beverages in beverage containers to a dealer in this State,
11 including a manufacturer who engages in such sales.

12 "Geographic territory" means the geographical area within
13 a perimeter formed by the outermost boundaries of the area
14 served by a distributor.

15 "Manufacturer" means a person who bottles, cans, or
16 otherwise fills beverage containers for sale to distributors
17 or dealers.

18 "Nonrefillable beverage container" means a beverage
19 container which, after being used by a consumer, is not
20 intended to be refilled for sale by a manufacturer.

21 "Redemption center" means a business at which consumers
22 may return empty beverage containers and receive payment for
23 the refund value of the empty beverage containers.

24 Section 10. Refund values.

25 (a) A deposit of not less than 5 cents shall be paid by
26 the consumer on each beverage container sold in this State by
27 a dealer for consumption off the premises. Upon the return to
28 a dealer or person operating a redemption center of the empty
29 beverage container upon which a deposit has been paid and
30 acceptance of the empty beverage container by the dealer or
31 person operating a redemption center, the dealer or person
32 operating a redemption center shall pay the amount of the
33 refund value to the consumer.

1 (b) In addition to the refund value provided in
2 subsection (a), a dealer, dealer agent, or person operating a
3 redemption center who redeems empty beverage containers shall
4 be reimbursed by the distributor required to accept the empty
5 beverage containers an amount which is 1 cent per container.
6 A dealer, dealer agent, or person operating a redemption
7 center may compact empty metal beverage containers with the
8 approval of the distributor required to accept the
9 containers.

10 Section 15. Payment of refund value; notice to
11 consumers. Except as provided in Section 20:

12 (1) A dealer shall not refuse to accept from a consumer
13 any empty beverage container of the kind, size, and brand
14 sold by the dealer or refuse to pay to the consumer the
15 refund value of a beverage container as stated in Section 10,
16 provided that the container is returned to the dealer in an
17 empty, unbroken, and reasonably clean state.

18 (2) A dealer shall place a sign or shelf label in close
19 proximity to any sales display of containers to inform
20 consumers that containers are returnable. The sign or label
21 shall indicate the amount of deposits required for each
22 container and that the containers are returnable.

23 (3) An operator of a vending machine that sells
24 containers shall post a conspicuous notice on the vending
25 machine indicating that a refund is available on each
26 container purchased and indicating where and from whom that
27 refund may be obtained. This Section does not require
28 vending machine operators to provide refunds at the premises
29 where the vending machines are located.

30 (4) A dealer may limit the total number of containers
31 that he or she will accept from one consumer on any business
32 day to 100 containers. The dealer may refuse to accept
33 containers for a period of not more than 3 hours during any

1 business day, provided that the hours during which containers
2 will not be accepted are conspicuously posted.

3 (5) A distributor shall accept and pick up all empty
4 beverage containers of the kind, size, and brand sold by the
5 distributor from all dealers served by the distributor and
6 from all redemption centers for a dealer served by the
7 distributor at least weekly. If the distributor delivers the
8 beverage product less frequently than weekly, then the
9 distributor shall accept and pick up any empty beverage
10 container of the kind, size, and brand sold by the
11 distributor at the time of the delivery. The distributor
12 shall pay to the dealer or person operating a redemption
13 center the refund value of a beverage container and the
14 reimbursement as provided under Section 10 of this Act within
15 one week following pickup of the containers or when the
16 dealer or redemption center normally pays the distributor for
17 the deposit on beverage products purchased from the
18 distributor if less frequent than weekly. A distributor or an
19 employee or agent of a distributor is not in violation of
20 this subsection if a redemption center is closed when the
21 distributor attempts to make a regular delivery or a regular
22 pickup of empty beverage containers.

23 (6) A distributor shall accept from a dealer agent any
24 empty beverage container of the kind, size, and brand sold by
25 the distributor that was picked up by the dealer agent from a
26 dealer within the geographic territory served by the
27 distributor. The distributor shall pay the dealer agent the
28 refund value of the empty beverage container and the
29 reimbursement as provided in Section 10.

30 (7) The Department shall adopt rules regulating the
31 recycling and disposal of empty beverage containers. The
32 rules shall give priority to the recycling of empty beverage
33 containers to the extent possible.

1 Section 20. Refusal to accept containers.

2 (a) A dealer, person operating a redemption center,
3 distributor, or manufacturer may refuse to accept any empty
4 beverage container that does not have stated on it a refund
5 value as provided under Section 25.

6 (b) A dealer may refuse to accept any type of container
7 that has not been sold by that dealer within the past 60
8 days.

9 (c) A dealer may refuse to accept and to pay the refund
10 value of any empty beverage container if the place of
11 business of the dealer and the kind and brand of empty
12 beverage containers are included in an order of the
13 Department approving a redemption center under Section 30.

14 (d) An owner or operator of an establishment who sells
15 beverages for consumption only on the premises may refuse to
16 accept and to pay the refund value on an empty alcoholic
17 liquor container except from a consumer who has purchased and
18 consumed the beverage at that establishment.

19 (e) A manufacturer or distributor may refuse to accept
20 and to pay the refund value and reimbursement as provided in
21 Section 20 on any empty beverage container that was picked up
22 by a dealer agent from a dealer outside the geographic
23 territory served by the manufacturer or distributor.

24 (f) A distributor may refuse to accept from any person
25 who is not a dealer a quantity of fewer than 300 containers
26 of the type, size, and brand sold by the distributor.

27 (g) A distributor shall not be required to pay to a
28 manufacturer a deposit or refund value on a nonrefillable
29 beverage container.

30 Section 25. Refund value stated on container;
31 exceptions.

32 (a) Each beverage container sold or offered for sale in
33 this State by a dealer shall clearly indicate by embossing or

1 by a stamp, label, or other method securely affixed to the
2 container the refund value of the container. The Department
3 shall specify, by rule, the minimum size of the refund value
4 indication on the beverage containers.

5 (b) A distributor shall not import into this State after
6 July 1, 2002 a beverage container that does not have the
7 refund value indication securely affixed to the container.

8 (c) A person may not bring beverage containers into this
9 State after July 1, 2002 that do not have the refund value
10 indication securely affixed unless for each occurrence:

11 (1) For beverage containers containing alcoholic
12 liquor as defined in the Liquor Control Act of 1934, the
13 total capacity of the containers is not more than 1 quart
14 or, in the case of alcoholic liquor personally obtained
15 outside the United States, 1 gallon.

16 (2) For beverage containers containing beer as
17 defined in the Liquor Control Act of 1934, the total
18 capacity of the containers is not more than 288 fluid
19 ounces.

20 (3) For all other beverage containers, the total
21 capacity of the containers is not more than 565 fluid
22 ounces.

23 (d) The provisions of subsections (a), (b), and (c) of
24 this Section do not apply to a refillable glass beverage
25 container that has a brand name permanently marked on it and
26 that has a refund value of not less than 5 cents, to any
27 other refillable beverage container that has a refund value
28 of not less than 5 cents and that is exempted by the Director
29 under rules adopted by the Department, or to a beverage
30 container sold aboard a commercial airliner or passenger
31 train for consumption on the premises.

32 Section 30. Redemption centers.

33 (a) To facilitate the return of empty beverage

1 containers and to serve dealers of beverages, any person may
2 establish a redemption center, subject to the approval of the
3 Department, at which consumers may return empty beverage
4 containers and receive payment of the stated refund value.

5 (b) An application for approval of a redemption center
6 shall be filed with the Department. The application shall
7 state the name and address of the person responsible for the
8 establishment and operation of the redemption center, the
9 kind and brand names of the beverage containers that will be
10 accepted at the redemption center, and the names and
11 addresses of the dealers to be served by the redemption
12 center. The application shall contain any other information
13 that the Director may reasonably require.

14 (c) The Department shall approve a redemption center if
15 it finds that the redemption center will provide a
16 convenient service to consumers for the return of empty
17 beverage containers. The order of the Department approving a
18 redemption center shall state the dealers to be served by the
19 redemption center and the kind and brand names of empty
20 beverage containers that the redemption center must accept.
21 The order may contain such other provisions to insure that
22 the redemption center will provide a convenient service to
23 the public as the Director may determine.

24 (d) The Department may review the approval of any
25 redemption center at any time. After written notice to the
26 person responsible for the establishment and operation of the
27 redemption center, and to the dealers served by the
28 redemption center, the Agency may, after hearing, withdraw
29 approval of the redemption center if the Agency finds there
30 has not been compliance with the Department's order approving
31 the redemption center, or if the redemption center no longer
32 provides a convenient service to the public.

33 (e) All approved redemption centers shall meet
34 applicable health standards.

1 Section 35. Unapproved redemption centers. Any person
2 may establish a redemption center that has not been approved
3 by the Department, at which a consumer may return empty
4 beverage containers and receive payment of the refund value
5 of the beverage containers. The establishment of an
6 unapproved redemption center does not relieve a dealer from
7 the responsibility of redeeming any empty beverage containers
8 of the kind and brand sold by the dealer.

9 Section 40. Snap-top cans prohibited. A person shall
10 not sell or offer for sale at retail in this State any metal
11 beverage container so designed and constructed that a part of
12 the container is detachable in opening the container.

13 Section 45. Rules. The Department shall adopt, upon
14 recommendation of the Director, the rules necessary to carry
15 out the provisions of this Act, subject to the provisions of
16 the Administrative Procedure Act.

17 Section 50. Appeals. Any person aggrieved by an order
18 of the Department relating to the approval or withdrawal of
19 approval for a redemption center may seek judicial review of
20 such order as provided in the Administrative Procedure Act.

21 Section 55. Penalties.

22 (a) Any person violating the provisions of Section 10,
23 15, 20, or 35, or a rule adopted under this Act shall be
24 guilty of a Class C misdemeanor.

25 (b) A distributor who collects or attempts to collect a
26 refund value on an empty beverage container when the
27 distributor has paid the refund value on the container to a
28 dealer, redemption center, or consumer is guilty of a
29 business offense.

30 (c) Any person who does any of the following acts is

1 guilty of a business offense:

2 (1) Collects or attempts to collect the refund
3 value on the container a second time, with the knowledge
4 that the refund value has once been paid by the
5 distributor to a dealer, redemption center, or consumer.

6 (2) Manufactures, sells, possesses, or applies a
7 false or counterfeit label or indication that shows or
8 purports to show a refund value for a beverage container,
9 with intent to use the false or counterfeit label or
10 indication.

11 (3) Collects or attempts to collect a refund value
12 on a container with the use of a false or counterfeit
13 label or indication showing a refund value, knowing the
14 label or indication to be false or counterfeit.

15 (d) As used in this Section, a false or counterfeit
16 label or indication means a label or indication purporting to
17 show a valid refund value that has not been initially applied
18 as authorized by a distributor.

19 Section 60. Distributor agreements authorized. A
20 distributor may enter into a contract or agreement with any
21 other distributor, manufacturer, or person for the purpose of
22 collecting or paying the refund value on, or disposing of,
23 beverage containers.

24 Section 65. Redemption of refused nonrefillable metal
25 beverage containers.

26 (a) If the refund value indication required under
27 Section 25 on an empty nonrefillable metal beverage container
28 is readable but the redemption of the container is lawfully
29 refused by a dealer or person operating a redemption center,
30 the container shall be accepted and the refund value paid to
31 a consumer as provided in this Section. Each beer distributor
32 selling nonrefillable metal beverage containers in this State

1 shall provide individually or collectively by contract or
2 agreement with a dealer, person operating a redemption
3 center, or another person, at least one facility in the
4 county seat of each county where refused empty nonrefillable
5 metal beverage containers having a readable refund value
6 indication as required by this Act are accepted and redeemed.
7 In counties having a population of 100,000 or more, the
8 number of the facilities provided shall be one for each
9 100,000 population or a fractional part of that population.

10 (b) A beer distributor violating this Section is guilty
11 of a Class C misdemeanor.

12 Section 70. Plastic cans prohibited.

13 (a) Beginning on the effective date of this Act, a
14 person shall not manufacture, offer for sale, or sell any
15 single-serving beverage container that is a plastic can nor
16 offer for sale or sell any beverage packaged in a
17 single-serving plastic can. For the purposes of this Section,
18 a "plastic can" means a beverage container that, in addition
19 to the closure mechanism, is composed of plastic and metal.

20 (b) A person violating this section is guilty of a Class
21 A misdemeanor.

22 Section 80. Disposal at sanitary landfill prohibited.
23 Beginning one year after the effective date of this Act, the
24 final disposal of beverage containers by a dealer,
25 distributor, or manufacturer, or a person operating a
26 redemption center in a sanitary landfill is prohibited.
27 Beginning one year after the effective date of this Act, the
28 final disposal of beverage containers used to contain
29 alcoholic liquor, as defined in the Liquor Control Act of
30 1934, by a dealer, distributor, manufacturer, or a person
31 operating a redemption center in a sanitary landfill is
32 prohibited.

1 Section 90. Nothing in this Act is intended to limit the
2 municipal or county power granted in the Solid Waste Planning
3 and Recycling Act to establish or operate a recycling or
4 redemption center.